

522-09/MFM
FREEHILL, HOGAN & MAHAR, LLP
Attorneys for Defendant
80 Pine Street
New York, New York 10005
Phone: (212) 425-1900
Fax: (212) 425-1901
Mark F. Muller

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DIANE BROZYNA and ZYGMONT BROZYNA
77 Queens Drive
West Seneca, NY 13224

Plaintiffs,

- against -

NIAGARA GORGE JETBOATING, LTD.,
61 Melville Street
Niagara on the Lake, Ontario, Canada L0S 1J0

Defendant.

10 CIV. 602-A (RJA)

**AFFIDAVIT OF
MARK F. MULLER, ESQ.
IN SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**

STATE OF NEW YORK)

SS:

COUNTY OF NEW YORK)

MARK F. MULLER, ESQ., being duly sworn, deposes and says:

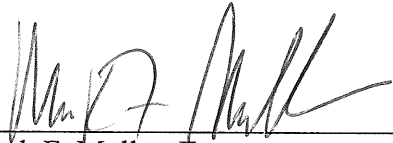
1. I am a Partner with the law firm of Freehill, Hogan & Mahar, LLP, and am the attorney-of-record for Defendant NIAGARA GORGE JETBOATING, LTD. d/b/a WHIRLPOOL JETBOAT TOURS ("JETBOAT") in the above-captioned matter. I submit this Affidavit in support of JETBOAT's Motion for Summary Judgment.

2. A copy of the deposition transcript of Plaintiff Diane Brozyna is attached as Exhibit "1" hereto.

3. A copy of the deposition of Zygmunt Brozyna is attached hereto as Exhibit "2" hereto.

4. Copies of medical records pertaining to plaintiff Diane Brozyna obtained from Anthony Magnano, D.C. pursuant to authorization is attached as Exhibit "3".

5. Copies of medical records pertaining to plaintiff Diane Brozyna obtained from Michelle Frech, M.D. pursuant to authorization is attached as Exhibit "4."



Mark F. Muller, Esq.
Attorney for Defendant NIAGARA GORGE
JETBOATING, LTD.

Sworn to before me this
9th day of February, 2011.

(Notary Public)